

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK, NEW JERSEY

DAVID P. TARINO,

Docket No.: 07 CV 5505(JAG)(MCA)

Plaintiff,

NOTICE OF REMOVAL

-against-

LOS ANGELES AIRPORT MARRIOTT HOTEL,

Defendant.

S I R S:

MARRIOTT INTERNATIONAL, INC. s/h/i/a LOS ANGELES AIRPORT MARRIOTT HOTEL, defendant in the above captioned action which was commenced in the Superior Court of the State of New Jersey for the County of Bergen, gives notice it is removing this action from the Superior Court of the State of New Jersey, County of Bergen to this Court pursuant to 28 USC §1441. The grounds for removal are as follows:

1. A civil action has been commenced and is now pending against the defendant in the Superior Court of the State of New Jersey for the County of Bergen which action is entitled under David P. Tarino v. Los Angeles Airport Marriott Hotel, under Docket Number L-7408-07.

2. On October 25, 2007, defendant, MARRIOTT INTERNATIONAL, INC. s/h/i/a LOS ANGELES AIRPORT MARRIOTT HOTEL, received a Summons and Complaint, a copy of which is attached hereto as Exhibit "1". The document in Exhibit "1" constitutes copies of all initial process, pleadings and other papers served upon such defendant in this action.

3. The above-described action is a civil action of which this Court has original jurisdiction under 28 USC §1332 and is one which may be removed to this Court by defendant under 28 USC §1441 in that:

- a. Plaintiff is a resident and citizen of Bergen County, New Jersey;
- b. Defendant, MARRIOTT INTERNATIONAL, INC., is incorporated in the State of Delaware with its principal place of business in the State of Georgia;
- c. The incident in question took place in California;
- d. Initial pleadings were received by defendant, MARRIOTT on October 25, 2007; and
- d. Upon information and belief, the amount in controversy is in excess of \$75,000.

4. Accordingly, the parties are of diverse citizenship, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and Federal jurisdiction is appropriate pursuant to USC §1332.

WHEREFORE, the defendant, MARRIOTT INTERNATIONAL, INC. s/h/i/a LOS ANGELES AIRPORT MARRIOTT HOTEL, gives notice that the above captioned action now pending against them in the Superior Court of the State of New Jersey for the County of Bergen is removed to this Court.

Dated: Hackensack, NJ
November 9, 2007

Yours, etc.
GARBARINI & SCHER, P.C.

By: /s/
WILLIAM G. SCHER (WS 2891)
Attorneys for Defendant
MARRIOTT INTERNATIONAL, INC.
s/h/i/a LOS ANGELES AIRPORT
MARRIOTT HOTEL
Court Plaza North
25 Main Street, Suite 600
Hackensack, NJ 07601-7025

TO:

DAVID P. TARINO
Plaintiff *Pro Se*
366 Sutton Avenue
Hackensack, NJ 07601
(201) 487-2389

MAILING CERTIFICATION

I hereby certify that I today caused an original and two copies of the within Notice of Removal to be filed with the Clerk, U.S. District Court of New Jersey, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101 by VIA OVERNIGHT MAIL.

Dated: Hackensack, NJ
November 13, 2007

Yours, etc.
GARBARINI & SCHER, P.C.

By: /s/
WILLIAM G. SCHER (WS 2891)